IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.318 OF 2006

Carona Limited. ...Petitioner.

vs.

Sumangal Holdings. ...Respondent.

Mr.Sudeep Sen i/b. Sanjay Udeshi & Co., for Petitioner.

Mr.V.J.Mehta i/b. Divyakant Mehta & Associates, for Respondent.

CORAM: D.K.DESHMUKH, J.

DATED: 19th SEPTMBER,2006

P.C.:-

1. This is a petition taken out under Section 9 of the Arbitration and Conciliation Act,1996. The agreement in which the arbitration clause is contained is the agreement of leave and licence. The claim of the petitioner/applicant has arisen out of the agreement of leave and licence. By my order dated 22.8.2005 passed in Arbitration Petition no.99 of 2004 I have taken a view that the Small Causes Court

under Section 41 of the Presidency Small Cause Courts Act has exclusive jurisdiction over the subject matter. In this view of the matter therefore, it prima facie appears that the arbitration clause itself may not operate. In this view of the matter therefore, no orders of interim measures can be passed. The petition is disposed of.